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City of Detroit
Board of Zoning Appeals
Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 212
Detroit, Michigan 48226
Phone: (313) 224-3595
Fax: (313) 224-4597
Email: boardofzoning@detroitmi.gov

REGULAR MEETING OF
APRIL 2, 2019
IN THE ERMA L. HENDERSON AUDITORIUM
ON THE 13TH FLOOR

DOCKET

- I. OPENING:**
 - A. CALL TO ORDER.....9:00 A.M.**
 - B. ROLL CALL.....**
- II. PROCEDURAL MATTERS**
- III. MINUTES:**
 - A. APPROVAL OF MINUTES: MARCH 26, 2019**
- IV. COMMUNICATIONS:**
- V. MISCELLANEOUS BUSINESS:**
- VI. PUBLIC HEARINGS:**

9:15 a.m. CASE NO.: 7-19 (BSEED 70-18)

APPLICANT: DAMEON GABRIEL

LOCATION: 8002 Kercheval between Van Dyke Ave and Parker St in a B4-H (General Business District – Historic) City Council District #5

LEGAL DESCRIPTION OF PROPERTY: S KERCHEVAL W 30 FT OF N 91.72 FT OF 65 LYG S & ADJ KERCHEVAL AVE AND E & ADJ VAN DYKE AVE PLAT OF SUB OF VAN DYKE FARM L1 P156 PLATS, W C R 17/38 30 X 91.72

PROPOSAL: Dameon Gabriel request variances to establish a Cabaret (Group B)(outside the Central Business District) in a 3,250 square foot building Approved w/Conditions BSEED 70-18 (December 24, 2018) in a B4-H (General Business District – Historic). (Note: the applicant is the recipient of a \$65,000 Motor City Match Grant Award). This case is appealed because the Board of Zoning Appeals shall be authorized to hear dimensional variance requests for matters that are beyond the scope of Buildings and Safety Engineering Department ten percent (10%) administrative adjustments; per section 61-14-38 (Retail, Service and Commercial Uses) the use is within one half mile of High-Frequency Corridor Number Five (Van Dyke between Lafayette and eight Mile – the required number of parking spaces is 19; 0 are proposed. (Sections 61-4-91(6) Permitted Dimensional Variances, General Dimensional Standards, Section 61-14-38 (Retail, Service and Commercial Uses) and 61-4-81 Approval Criteria). AP

This Meeting is open to all members of the public under Michigan’s Open Meetings Act

10:00 a.m. **CASE NO.:** 9-19
APPLICANT: GREEN ACRES COLLECTIVE, LLC/ ALI MAZLOUM
LOCATION: 10371 Northlawn between Oakman Blvd and Plymouth Rd in a M3 (GENERAL INDUSTRIAL DISTRICT) City Council District #7

LEGAL DESCRIPTION OF PROPERTY: W NORTHLAWN S 83 FT 21 N 62 FT 22 MAPLE GROVE SUB L24 P61 PLATS, W C R 18/389 32814 SQ FT

PROPOSAL: Green Acres Collective, LLC appeals the decision of the Buildings Safety n Engineering and Environmental Department’s Special Land Use Review dated December 6, 2018 which states; the subject property has been identified as being within 1000 radial feet of a Drug Free Zone in a M3 (GENERAL INDUSTRIAL DISTRICT). This case is appealed because appeals to the Board of Zoning Appeals may be taken by any person, firm, partnership or corporation, or by any City department, commission, board or other City agency which is aggrieved 1) by a decision of an enforcing officer, or 2) by any decision made by the Buildings and Safety Engineering Department involving Conditional Uses. Also, the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center in a Drug Free Zone. The locational specifications related to drug-free zones of subsection 354(b)(1) of this section may not be waived or modified by the Buildings, Safety Engineering and Environmental Department, nor the Board of Zoning Appeals. Applications that are not consistent with the locational specifications of subsection (b)(1) of this section shall be considered ineligible and shall be dismissed. Also, the proposed MMCC located at 10371 Northlawn has been identified as being in a Drug Free Zone (DFZ) based on its proximity to Generators Club of Detroit located at 4244-4268 Oakman. Generators Club of Detroit is a legally, operating, youth center/school located approximately 470 radial feet from Generators Club of Detroit, the subject property at 10371 Northlawn becomes ineligible to establish a Medical Marihuana Growers Faculty. (Sections 61-4-72 Appeals and 61-3-354(b)(1) Conditional Uses; Procedures; Waivers; Public Nuisance).AP

10:45 a.m. **CASE NO.:** 8-19 (BSEED 104-18)
APPLICANT: STUART CARTER
LOCATION: 4404 Oakman Blvd between W Chicago Ave Grand River in a M3 (General Industrial District) City Council District #7

LEGAL DESCRIPTION OF PROPERTY: W OAKMAN BLVD 82 THRU 79 AND VAC ALLEY ADJ ROBT OAKMAN LAND COS GRAND RIVER & OAKMAN HWY RESUB L58 P7 PLATS, W C R 18/447 ALSO THAT PT OF 25 THRU 28 LYG W & ADJ THERETO MAPLEGROVE SUB L24 P61 PLATS, W C R 18/389 33,258 SQ FT

PROPOSAL: Stuart Carter appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (BSEED 104-18) which determined the location at 4400 Oakam Blvd. to be in a Drug Free Zone (DFZ) therefore ineligible to develop a Medical Marihuana Grower Facility (MMGF) in a M3 (General Industrial District). This case is appealed because the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any decision made by the Buildings and Safety Engineering Department involving Conditional Uses. Also, no Conditional Use shall be approved by the Buildings and Safety Engineering Department, or the Board of Zoning Appeals on appeal, unless each of the general findings of Section 61-3-231 are made; the proposed MMGF site is located 430 feet of a “DRUG FREE ZONE” known as Northlawn Garden Apartments (a family low income housing apartment HUD) located at 9560-70 Northlawn, Detroit, Mi. 48204. (Sections 61-4-71. Jurisdiction Over Appeals of Administrative Decisions, Sec. 61-3-355 (b) (1). Permitted districts for medical marihuana facilities; Conditional Uses, Sec. 61-3-353. Definitions; meaning of terms: Medical marihuana grower facility).AP

- VII. **PUBLIC COMMENT / NEW BUSINESS**
Next Hearing Date: April 9, 2019
- VIII. **ADVISEMENTS / OLD BUSINESS**
- IX. **MEETING ADJOURNED**

With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including language translation and reasonable ADA accommodations. Please contact the Civil Rights, Inclusion and Opportunity Department at [\(313\) 224-4950](tel:3132244950), through the TTY number 711, or email at crio@detroitmi.gov to schedule these services.